

**ASSEMBLY BILL**

**No. 247**

**Introduced by Assembly Member Scott**

February 11, 1997

---

---

An act to amend Section 53071 of the Government Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 247, as introduced, Scott. Firearms: preemption.

Existing law expresses the intent of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the Penal Code.

This bill would authorize any city or county to enact an ordinance by resolution to prohibit the sale, or otherwise regulate the sale, of firearms, and would declare that this authorization is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 53071 of the Government Code  
2 is amended to read:  
3 53071. (a) It is the intention of the Legislature to  
4 occupy the whole field of regulation of the registration or

1 licensing of commercially manufactured firearms as  
2 encompassed by the provisions of the Penal Code, and  
3 such provisions shall be exclusive of all local regulations,  
4 relating to registration or licensing of commercially  
5 manufactured firearms, by any political subdivision as  
6 defined in Section 1721 of the Labor Code.

7 *(b) Any city or county may enact an ordinance by*  
8 *resolution to prohibit the sale, or otherwise regulate the*  
9 *sale, of firearms.*

10 SEC. 2. The Legislature finds and declares that the  
11 amendment of Section 53071 of the Government Code  
12 made by Section 1 of this act does not constitute a change  
13 in, but is declaratory of, existing law.

14 SEC. 3. This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or  
16 safety within the meaning of Article IV of the  
17 Constitution and shall go into immediate effect. The facts  
18 constituting the necessity are:

19 In order to clarify the law with respect to the regulation  
20 of the sale of firearms by local government in light of the  
21 decision in California Rifle and Pistol Association v. City  
22 of West Hollywood, Superior Court of California, County  
23 of Los Angeles, BC144600, and to allow the dozens of cities  
24 and counties waiting to adopt an ordinance to regulate  
25 the sale of firearms, or who have already adopted an  
26 ordinance, to take appropriate action and implement  
27 those ordinances, as soon as possible, it is necessary that  
28 this act take effect immediately.

